

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with atty. Steve Elleman on 06-18-2009. These amendments had been e-mailed earlier in the week by the applicant in response to a phone interview the week of 06-09-2009 in which the examiner indicated that the beginning and end periods of the reward cycle needed to be clarified (after consultation with SPE Peter Vo). On 06-18-2009, Mr. Elleman verbally authorized the examiner to change the e-mailed amendments (Claim 1) to specify that the customer purchases at least one product in said at least one selected product category on each of said transactions, to clarify that the rewards accumulate on a per-transaction basis over the course of the reward cycle. See Figs. 2 and 3 of the specification. The proposed claims are otherwise entered as e-mailed by the applicant.

The application has been amended as follows:

1. (Currently Amended) A method for operating a reward program comprising the steps of:

establishing or identifying a plurality of product categories;

receiving from a customer an indication of consent to participate in the reward program, ~~at which time a single reward to be provided to said customer at an end of the reward program is undetermined;~~

receiving by a computer system an indication of at least one selected product category ~~selected ones of the product categories;~~

tracking, by a said computer system, a customer's purchases in the at least the one selected product categories category over a plurality of discrete purchase transactions for a given cycle of the reward program, which cycle has a starting point and an ending point, wherein the second receiving step and the tracking steps are step ~~is~~ carried out by a processor of a said computer system according to software comprising computer-executable instructions on a computer-readable medium; ~~and~~ processing a plurality of purchase transactions during said given cycle of the reward program in which said reward is accumulated but is not provided to said customer, said reward being accumulated over said plurality of purchase transactions in which said customer purchases at least one product in said at least one selected product category in each of said transactions;

calculating, by said computer system, a reward for the given cycle of the reward program; and

providing, at or after the ending point of the given cycle of the reward program, said single reward to said customer which varies is based at least in part upon the monetary amount of the customer's cumulative purchases in the at least one selected product category ~~categories over a discrete period of time~~ after the starting

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~~point and before the ending point of the given cycle, wherein said tracking step takes place over a plurality of transactions in which said reward is accumulated but is not provided to said customer.~~

2. (Currently Amended) The method of claim 1 wherein said receiving step includes receiving an indication of ~~selected ones of the product categories~~ said at least one selected product category as selected by a customer.

3. (Currently Amended) The method of claim 1 wherein said receiving step includes receiving an indication of ~~selected ones of the product categories~~ said at least one product category as selected by an operating store.

4. (Currently Amended) The method of claim 1 wherein said ~~selected ones of said product categories~~ are at least one selected product category is less than all of said plurality of product categories.

5. (Currently Amended) The method of claim 1 wherein said reward is based solely upon purchases by said customer in the at least one selected ~~categories~~ product category.

7. (Currently Amended) The method of claim 1 wherein said second receiving step occurs before the start of said tracking step.

8. (Currently Amended) The method of claim 1 wherein said second receiving step occurs after the start of said tracking step.

10. (Currently Amended) The method of claim 9 wherein said reward is determined based upon customer purchases in said at least one selected ~~categories~~ product category that are made after said purchase threshold is exceeded.

11. (Currently Amended) The method of claim 9 wherein said customer is notified when or after said purchase threshold has been exceeded.

14. (Currently Amended) The method of claim 1 wherein said reward is based at least in part upon a percentage of all or a portion of said customer's purchases only in ~~each of said~~ at least one selected product ~~categories~~ category.

15. (Currently Amended) The method of claim 1 ~~wherein~~ further comprising the step of recognizing said at least one selected product ~~categories~~ category, said recognizing step including entering said at least one selected product ~~categories~~ category into a said computer system.

16. (Currently Amended) The method of claim 15 wherein said recognizing step includes linking said at least one selected product ~~categories~~ category to a permanent customer account maintained beyond a specific transaction.

17. (Previously Presented) The method of claim 15 wherein said recognizing step includes scanning a bar code that is not associated with any goods being purchased or associated with any goods that are available for purchase.

18. (Currently Amended) The method of claim 1 wherein each product category in said establishing or identifying step includes a plurality of discrete products linked together by a store or chain to thereby define each product category, the method further comprising the step of marking products with indicia to indicate in which product category said marked products are classified.

19. (Currently Amended) The method of claim 1 further comprising the step of printing, on a customer's purchase receipt, the total amount of the customer's cumulative purchases over multiple purchase transaction to date in each of the at least one selected product categories.

20. (Currently Amended) The method of claim 1 further comprising the step of receiving an indication of at least one new selected ~~ones of said products categories~~ product category, and wherein said providing step includes providing a reward to said customer based at least in part upon the customer's purchases in the at least one new selected ~~categories~~ category.

23. (Currently Amended) The method of claim 1 wherein both receiving steps, and said receiving, tracking, processing, calculating and providing steps are carried out for a plurality of customers.

24. (Currently Cancelled)

26. (Currently Cancelled)

27. (Currently Cancelled)

28. (Currently Cancelled)

29. (Currently Cancelled)

30. (Currently Amended) The ~~system~~ method of claim 26 1 further including the step of providing a plurality of checkout terminals located in at least one store and operatively coupled to said at least one computer system, wherein each checkout

terminal ~~can identify~~ identifies the products purchased by each customer and ~~transfer~~ transfers such information to said ~~at least one computer~~ system.

31. (Currently Amended) The ~~system~~ method of claim 26 ~~1~~ further including the step of providing a bar code scanner operatively coupled to said ~~at least one computer system~~, wherein said bar code scanner ~~can identify~~ identifies the ~~selected ones of said product categories~~ at least one selected product category.

32. (Currently Cancelled)

33. (Currently Amended) The method of claim 1 wherein said computer-executable instructions include ~~A software device for operating on a computer and for tracking and calculating customer rewards, the software including:~~

a tracking module for tracking the monetary amounts of customer purchases in ~~a plurality of predetermined product categories~~ the at least one selected product category for a plurality of customers for a plurality of discrete transactions; and

a calculating module for calculating, after said plurality of discrete transactions for the given cycle, a single the reward for each customer ~~which varies based at least in part upon the cumulative tracked plurality of discrete customer purchases in selected ones of said predetermined product categories~~.

34. (Currently Cancelled)

35. (Currently Cancelled)

36. (Currently Cancelled)

37. (Currently Amended) The method of claim 1 wherein said second receiving step is discrete and separate from a purchase transaction.

39. (Currently Amended) The method of claim 1 wherein each product category in said establishing or identifying step includes a plurality of products linked together by a store or chain to thereby define each product category.

41. (Currently Amended) The method of claim 1 wherein said establishing or identifying step includes establishing, before a purchase transaction, a predefined number of product categories, wherein each product category includes a plurality of different types of products, and wherein the method further includes the step of, after said establishing or identifying step and prior to said second receiving step, a customer selecting one of said product categories.

43. (Cancelled)

44. (Currently Cancelled)

45. (Currently Cancelled)

46. (Cancelled)

48. (Cancelled)

49. (Cancelled)

50. (Currently Amended) The method of claim 1 wherein the reward has a monetary value that is directly based ~~part~~ upon the monetary amount of the customer's



purchases in the selected product categories over the given cycle of the reward program ~~a discrete period of time~~.

51. (Currently Amended) The method of claim 1 wherein each discrete transaction constitutes a separate visit to the store or chain, and wherein the reward is automatically provided to the customer at the end of the given cycle ~~an iteration~~ of the reward program without requiring any further action by the customer.

53. (Currently Amended) The method of claim 1 wherein the value of said reward increases as a customer's cumulative purchases in the at least one selected product ~~categories~~ category increases.

54. (Currently Cancelled)

55. (Currently Cancelled)

57. (Currently Amended) The method of claim 1 wherein said second receiving step includes receiving said indication ~~on~~ by the processor of ~~a~~ said computer system, according to software comprising computer-executable instructions on a computer-readable medium.

58. (Currently Amended) The method of claim 1 further comprising, after the establishing or identifying step, and before the second receiving step, simultaneously presenting a list of all product categories to said customer, and requesting said customer to select at least one product category for the purposes of said reward program.

59. (Currently Amended) The method of claim 1 wherein the number of product categories in said establishing or identifying step is between two and fifty.

60. (Currently Amended) The method of claim 1 wherein said ~~single~~ reward is ~~calculated determined after said plurality of discrete transaction~~ by determining a percentage of a customer's purchases in ~~the~~ at least ~~one~~ ~~the~~ selected product ~~categories~~ category over the ~~plurality of discrete purchase transactions~~ given cycle of the reward program.

61. (Currently Cancelled)

62. (Currently Cancelled)

63. (Currently Cancelled)

64. (Currently Cancelled)

65. (New) The method of claim 1 further comprising the steps of carrying out said tracking, processing, calculating and providing steps for another cycle of the reward program to provide another reward that is independent of any reward provided in the previous cycle.

66. (New) The method of claim 1 wherein said processing step includes scanning the customer's purchases in the at least one selected product category at a point-of-sale terminal and transmitting identification of the purchases to said computer system.

67. (New) The method of claim 1 wherein said at least one selected product category is selected by a customer for the purpose of participating in the reward program and receiving a reward.

68. (New) The method of claim 1 wherein a selection of at least one product category by a customer constitutes said indication of consent to participate in the reward program.

69. (New) The method of claim 1 wherein acceptance of said reward by a customer constitutes said indication of consent to participate in the reward program.

70. (New) The method of claim 1 wherein said indication received by said computer system in said second receiving step is directly or indirectly provided to said computer system by said customer.

71. (New) The method of claim 1 wherein said second receiving step includes receiving by said computer system an indication of a plurality of selected product categories, and wherein the providing step includes providing said reward to said customer which is based at least in part upon the monetary amount of the customer's cumulative purchases in the plurality of selected product categories during the given cycle.

72. (New) The method of claim 1 wherein said computer system comprises a plurality of computers linked together.

73. (New) The method of claim 1 wherein said computer system comprises a single computer.

74. (New) The method of claim 1 wherein said starting point and said ending point are temporal in nature.

**Reasons for allowance:**

The following is an examiner's statement of reasons for allowance: The examiner does not believe that a reward period with a beginning period and an ending period in which products are purchased in one or more selected categories over the course of the reward period, in which the customer purchases at least one product in the at least one selected product category in each of the plural transactions of the reward period, calculating a reward for the given cycle of the reward program, and providing the reward

at or after the end point of the reward period as cited in Claim 1 is suggested by the prior art.

The closest prior art, Walker, et al. (U.S. patent 6,415,262 B1) pertains to subscriptions for purchasing products with a required frequency for purchasing the product over a required period of time. The rewards do not accumulate on a transaction-by-transaction basis as claimed. The reward in the main embodiment of '262 is a renewed subscription contract on favorable terms, so the reward does is not awarded per se after the current reward cycle; it pertains to the next subscription cycle. Gardenswartz, et al. (U.S. patent 6,055,573 A) teaches purchase contracts with threshold purchase amounts, but not rewards accumulating with each transaction over a reward period as claimed. Walker, et al. (U.S. patent 6,128,599 A) pertains to rewards for group purchases, but similarly does not pertain to rewards accumulated on a transaction bases for products in selected categories as claimed. The examiner respects that the applicants may have differing reasons for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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